

# Notice of Allowability

Application No.

10/726,054

Examiner

Gary Au

Applicant(s)

JOHNSTON, DAVID

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/18/2007.
2. ☒ The allowed claim(s) is/are 1, 3, 4, 6, 8, 10-13, 15 and 17-23 renumbered to claims 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1, 3, 4, 6, 8, 10-13, 15 and 17-23 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach a method for handing off communications with the plurality of receivers from the first station to the second station after determining that a quality of service provided by the second station is greater than a quality of service provided by the first station, decoupling the one of the plurality of receivers from operating as a part of the multiple-input multiple-output system, while continuing to operate at least two of the plurality of receivers as a multiple-input multiple-output system; coupling the one of the plurality of receivers to operate as a search receiver independent from the multiple-input multiple-output system; the search receiver using a new reference frequency different from the first frequency reference; and the search receiver communicating with the second station using the new reference frequency.

Kuffner cited in a previous office action disclosed a system for coupling a plurality of receivers to a first frequency reference to communicate with a station over a corresponding plurality of signal paths, wherein the plurality of receivers comprises at least three receivers; selectively coupling one of the plurality of receivers to a second frequency reference to communicate with a station over a signal path not included in the plurality of signal paths, wherein the plurality of receivers are configured to operate as a multiple-input multiple-output system. However, Kuffner fails to teach a method for handing off communications with the plurality of receivers from the first station to the

second station after determining that a quality of service provided by the second station is greater than a quality of service provided by the first station, decoupling the one of the plurality of receivers from operating as a part of the multiple-input multiple-output system, while continuing to operate at least two of the plurality of receivers as a multiple-input multiple-output system; coupling the one of the plurality of receivers to operate as a search receiver independent from the multiple-input multiple-output system; the search receiver using a new reference frequency different from the first frequency reference; and the search receiver communicating with the second station using the new reference frequency.

Therefore, claims 1, 3, 4, 6, 8, 10-13, 15 and 17-23 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

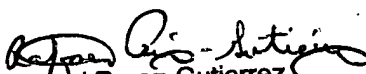
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA

  
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12/3/09